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August 17, 2010

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The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Genachowski:

I write to you concerning the Federal Communications Commission's investigation into the proposed combination of Comcast and NBC Universal, which would join together our nation's largest cable company with one of our nation's most venerable networks and its accompanying suite of broadcast stations, cable stations, and other entertainment properties.

I appreciate your commitment to conducting a searching, fact-based analysis into the impact that the creation of this telecommunications superpower will have upon competition and consumers. Competition is about more than just the price that is paid, although that is perhaps the most well known aspect of competition. It is important to remember that competition also involves innovation and consumer choice, and in few areas are these aspects of competition as important as the telecommunications and media marketplaces.

The Judiciary Committee has held several public hearings into this transaction, and I have heard from many parties concerning the potential impact that this transaction may have upon competition. With such a large and complicated transaction, which could transform an industry and lead to similar combinations in the future, it is imperative that the Commission conduct an exhaustive investigation into what conditions, if any, will be sufficient to prevent a lessening of competition from the merger. It is also imperative that the Commission work closely with the Justice Department to ensure that both agencies have the opportunity to consider the consequences of all aspects of the transaction. I urge you to move with all due speed in your investigation, but to reject any demands for artificial time constraints.

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MB
Merge
Comcast
NBCU

The Honorable Julius Genachowski
August 17, 2010
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One area that I hope that the Commission will take a close look at is in the burgeoning online broadband and video marketplace. As it stands, there are not currently any broadband network nondiscrimination principles in place to ensure that broadband providers, such as Comcast, cannot prefer certain content over other content in their delivery to broadband content to home consumers. While this is already a concern, the transaction under review would create new incentives for Comcast to prefer the distribution of NBC Universal content to their customers, or to restrict the access of NBC Universal content by consumers using an internet connection provided by a competitor to Comcast. In the absence of an industry wide solution to this problem, I urge the Commission to ensure that this transaction does not exacerbate the problem by making certain that the combined company cannot prefer its own content when delivering broadband services or tie NBC Universal content to the use of Comcast's broadband services.

I further urge the Commission to examine how this combination will effect the combined company's incentives to negotiate with both multichannel video programming distributors (MVPDs) as well as content providers in the future. The unprecedented combination of distribution and content provision under one company, something that has never been done on this scale before, may alter the combined company's incentives in future negotiations. It may also lead the company to prefer its own content to that of other providers or provide the combined company's content to competing MVPDs on less-favorable terms, potentially denying such content to customers of competing MVPDs. While there are some restrictions on the combined company's ability to do so, such as the Commission's program access rules, many have expressed concern that those rules are insufficient in practice to protect consumers against such anti-competitive harms. I urge the Commission to ensure that the combined company cannot use its increased market presence to reduce consumer choice or increase consumer price, in either the MVPD or content markets.

I appreciate your consideration of these concerns. When dealing with transactions such as the Comcast-NBC combination, which so often lead to a cascade of similar transactions, it is imperative that the Commission take whatever time it needs to get their analysis correct and to ensure that consumers are protected.

With much appreciation for your good work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hank Johnson", is written over the typed name.

Henry C. "Hank" Johnson, Jr., Chairman
Subcommittee on Courts and Competition Policy

cc: Howard Coble, Ranking Member



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

September 29, 2010

The Honorable Henry C. "Hank" Johnson, Jr.
Chairman
Subcommittee on Courts and Competition Policy
Committee on the Judiciary
U.S. House of Representatives
1133 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Johnson:

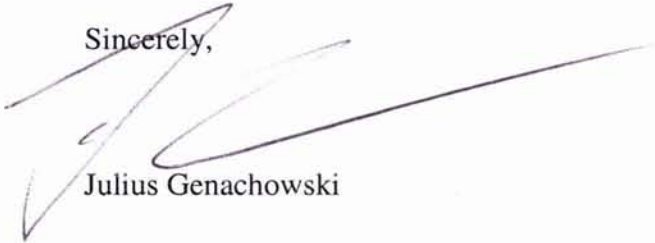
Thank you for your letter regarding the Commission's review of the proposed joint venture between Comcast Corporation and General Electric Company (GE), together with GE's subsidiary, NBC Universal, Inc. I appreciate your interest in this important transaction and value your views. We will make your correspondence part of the record in the proceeding.

I agree that the Commission's analysis of the proposed Comcast-GE transaction must be thorough and allow sufficient time for the careful evaluation of all relevant issues, including the impact that the proposed transaction may have on competition, consumers, and the distribution of content. In this regard, we have stopped our clock on the review twice to allow the applicants to prepare and submit additional documentation that is critical to a comprehensive evaluation of the transaction and to ensure that interested parties would have adequate time to review and comment on the supplemental materials.

The Commission staff currently is reviewing the extensive record compiled in the proceeding, including all petitions and comments received from the public. In addition, as you recommend, we are coordinating our efforts with those of the Department of Justice. Please be assured that the issues discussed in your letter will be considered carefully as part of the Commission's independent review of the proposed Comcast-GE transaction.

I appreciate your interest in this important matter. Please do not hesitate to contact me if I may be of further assistance.

Sincerely,



Julius Genachowski